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PROTECTIVE LIFE INSURANCE COMPANY and
EMPIRE GENERAL LIFE ASSURANCE CORPORATION

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BEVERLY ALLEN, Individually, and on
Behalf of the Class

| Case No.: 1:20-cv-00530-NONE-JLT

**JOINT STIPULATION EXTENDING TIME
FOR DEFENDANTS TO ANSWER THE
COMPLAINT: [PROPOSED] ORDER**

Plaintiff,

vs.

**PROTECTIVE LIFE INSURANCE
COMPANY, a Tennessee Corporation;
EMPIRE GENERAL LIFE INSURANCE
COMPANY, an Alabama Corporation.**

Defendants.

**JOINT STIPULATION EXTENDING TIME FOR DEFENDANTS TO
RESPOND TO COMPLAINT: [PROPOSED] ORDER**

1 Plaintiff BEVERLY ALLEN, Individually and on Behalf of the Class ("Plaintiff") and
2 Defendant PROTECTIVE LIFE INSURANCE COMPANY, as successor by merger to Defendant
3 EMPIRE GENERAL LIFE ASSURANCE CORPORATION (collectively, the "Defendants"), by
4 and through undersigned counsel, and pursuant to Fed. R. Civ. P. 6 and L.R. 144, respectfully
5 submit this stipulation and proposed order to briefly extend the time for Defendants to respond to
6 Plaintiff's Complaint as follows:

7 WHEREAS, Plaintiff filed her Complaint against Defendants on April 13, 2020 (Doc. 1);

8 WHEREAS, Defendants were served with the Summons and Complaint on April 16, 2020;

9 WHEREAS, on May 4, 2020, the Court extended Defendants' time to respond to the
10 Complaint to June 22, 2020 (Doc. 9);

11 WHEREAS, on June 22, 2020, Defendants filed a Motion to Dismiss Plaintiff's Complaint
12 pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (Doc. 12);

13 WHEREAS, on October 1, 2021, the Court entered an order denying Defendants' Motion
14 to Dismiss (Doc. 46);

15 WHEREAS, pursuant to Fed. R. Civ. P. 12(a)(4)(A), Defendants' response to the Complaint
16 is presently due on or before October 15, 2021;

17 WHEREAS, Plaintiff has agreed to provide Defendants with an additional four (4) day
18 period within which to answer the Complaint, making Defendants' response now due on or before
19 October 19, 2021;

20 WHEREAS, good cause exists for this brief extension as previously scheduled matters in
21 unrelated cases have occupied counsel for Defendants' time since October 1, 2021, and Defendants'
22 counsel therefore requires additional time to evaluate the substantive individual and class
23 allegations in Plaintiff's Complaint and prepare an Answer;

24 WHEREAS, this brief extension should not result in any meaningful delay in this matter
25 because discovery is currently stayed, and Defendants' Answer will still be filed prior to the initial
26 scheduling conference presently set before Magistrate Judge Jennifer L. Thurston on December 16,
27 2021 (Doc. 44);

28 //

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between
2 Plaintiff and Defendants, through their respective counsel, that Defendants shall have to and
3 including October 19, 2021, to answer Plaintiff's Complaint. Pursuant to L.R. 137 and L.R. 144, a
4 proposed order approving this extension is contained within this Joint Stipulation.

5 **IT IS SO STIPULATED:**

6 DATED: October 14, 2021

NICHOLAS & TOMASEVIC, LLP,

7 /s/ Craig M. Nicholas (w/ permission)
8 CRAIG M. NICHOLAS

ALEX TOMASEVIC

9
10 Attorneys for Plaintiff BEVERLY
11 ALLEN, Individually and on Behalf
of the Class

12 DATED: October 14, 2021

MAYNARD, COOPER & GALE, LLP,

13 /s/ Nicholas J. Boos
14 NICHOLAS J. BOOS

15 MICHAEL D. MULVANEY
16 EDWARD M. HOLT
ALEXANDER B. FEINBERG

17 Attorneys for Defendants
18 PROTECTIVE LIFE INSURANCE
COMPANY and EMPIRE GENERAL
19 LIFE ASSURANCE CORPORATION

20 **ORDER**

21 Pursuant to the Parties' Joint Stipulation, the defendants SHALL file a responsive pleading
22 no later than October 19, 2021.

23 IT IS SO ORDERED.

24 Dated: October 14, 2021

25 /s/ Jennifer L. Thurston
CHIEF UNITED STATES MAGISTRATE JUDGE